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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,488	03/31/2004	Steven Holmes	APL1P289	8519
22434	7590	08/11/2005		
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER CHERVINSKY, BORIS LEO	
			ART UNIT	PAPER NUMBER
			2835	
DATE MAILED: 08/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary**Application No.**

10/815,488

Applicant(s)

HOLMES ET AL.

Examiner

Boris L. Chervinsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 11-16 and 25-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 2-7, 11-16 and 25-30 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4, 11-13, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le et al. in view of Klein et al.

Le discloses the air-cooled electronic device comprising a housing 23 divided into a plurality of discrete thermal zones compartmentalizing heat-producing elements which include a microprocessor and other components 26, 42, 44, 46, a removable panel/duct 20 having one or more contoured portions 28 protruding into at least one thermal zone so to force air over the heat-producing components and fans 32, 36, 38 disposed inside of the thermal zones to force air over the heat producing elements.

Le discloses the claimed invention except a sensor configured to determine if the panel/duct is placed proximate to the electronic device.

Klein discloses the cooling system, which includes sensors which senses the presence or absence of a cover and provides an alarm signal; the sensor is either reed sensor or optical sensor which is inherently emits a beam of light and has a reflective tab and since the disclosure of the instant application does not provide specifics of the control system using the sensors sending signal to the microprocessor it would be reasonable to assume that the standard type and commercially available sensors can be employed,

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therefore it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use sensors as disclosed by Klein et al. in the device disclosed by Le et al. for indication of presence or absence of the panel.

3. Claims 5, 6, 14, 15, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le et al. in view of Klein et al. and further in view of Hoover.

Le in view of Klein discloses the claimed invention except having the microprocessor shot down or placed in different mode that is producing less heat in case if the panel is not in place. Hoover discloses the system where the microprocessor is switching the mode of its operation by receiving outside malfunction signal (col. 6, lines 63-68, and col. 7, lines 1-15). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the system as disclosed by Hoover in the device disclosed by Le in view of Klein as to provide reliable microprocessor function responsive to specific conditions, specifically to presence or absence of the panel or cover, as disclosed by Klein.

4. Claims 7, 16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le et al. in view of Klein et al. and further in view of Kaminski et al.

Le in view of Klein discloses the claimed invention except having the fan on different speed depending on the presence or absence of the panel. Kaminski discloses the microprocessor fan speed control depending on the temperature. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the fan speed control as disclosed by Kaminski in the device disclosed by Le to protect the microprocessor from overheating.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris L. Chervinsky whose telephone number is 571-272-2039. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800 ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BORIS CHERVINSKY
PRIMARY EXAMINER

Boris L. Chervinsky
8/9/05